

ORIGINAL

1 rongchendismiss

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**FILED**

DISTRICT COURT OF GUAM

JAN - 9 2007

MARY L.M. MORAN  
CLERK OF COURT

12  
13 IN THE UNITED STATES DISTRICT COURT  
14 FOR THE TERRITORY OF GUAM

15 UNITED STATES OF AMERICA,  
16  
17 Plaintiff,

18 vs.

19 XIAO PING CHEN,  
20  
21 Defendant.

CRIMINAL CASE NO. 06-00023-03

**MOTION TO DISMISS  
COUNT IV OF INDICTMENT**

22 COMES NOW the plaintiff, United States of America, by and through its undersigned  
23 attorney, and moves that Count IV of the Indictment in the above cause against defendant, XIAO  
24 PING CHEN, be dismissed, for the reason that the defendant has been sentenced on January 8,  
25 2007 in Magistrate Case No. 06-00016.

26 Respectfully submitted this 8th day of January 2007.

27 LEONARDO M. RAPADAS  
28 United States Attorney  
Districts of Guam and NMI

By:

  
FREDERICK A. BLACK  
Assistant U.S. Attorney